

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Petition of Bell Atlantic for Relief)
from Barriers to Deployment of)
Advanced Telecommunications Services)

CC Docket No. 98-11

Petition of US WEST for Relief)
from Barriers to Deployment of)
Advanced Telecommunications Services)

CC Docket No. 98-26

Petition of Ameritech for Relief)
from Barriers to Deployment of)
Advanced Telecommunications Services)

CC Docket No. 98-32

REPLY COMMENTS OF WORLDCOM, INC.

WorldCom, Inc. ("WorldCom"), by its attorneys, hereby files its reply to initial comments concerning the petitions filed by (1) Bell Atlantic Corporation ("Bell Atlantic") on January 26, 1998, (2) US WEST Communications, Inc. ("US WEST") on February 25, 1998, and (3) Ameritech Corporation ("Ameritech") on March 5, 1998, in the above-captioned proceedings. The initial comments submitted in this proceeding demonstrate convincingly that the Commission should reject the RBOCs' petitions.

I. WHILE OPPOSING PARTIES MAKE A COMPELLING CASE TO DISMISS THE RBOCS' UNSUBSTANTIATED PETITIONS, THE RBOCS THEMSELVES OFFER NO NEW ARGUMENTS TO BOLSTER THEIR PETITIONS

In its consolidated opposition, WorldCom stated that it strongly and unequivocally opposes the three RBOC petitions because, without any legal, policy, or factual justification, they seek the sweeping removal of nearly all important statutory and regulatory safeguards that govern the RBOCs' provision of telecommunications facilities and services. WorldCom showed

that the RBOCs' own violations of the very laws and rules they seek to eliminate actually pose the central impediment to Congress' vision of fully competitive telecommunications markets. Aside from the numerous legal and factual flaws and fallacies contained in the three RBOC petitions, WorldCom also showed how it would be bad public policy for the Commission to accede to the RBOCs' demands without requiring the RBOCs to first satisfy their many critical pro-competitive obligations under the 1996 Act.

Numerous parties filed initial comments in one or more of the three proceedings. Most parties unaffiliated with the RBOCs oppose granting their petitions. The only state regulatory authorities to file comments, the Public Service Commission of Wisconsin ("PSCW") and the Indiana Utility Regulatory Commission ("IURC"), together conclude that it is "not advisable" to grant the "hasty and self-serving remedies" sought by the RBOCs.¹ Other commenters offer detailed and well-substantiated legal analyses proving that the RBOCs' requests for deregulation under Section 706 are unsupported by any fair reading of that or any other provision of the 1996 Act.² Still other commenters successfully attack the flimsy factual premises underlying the RBOCs' petitions, including claims about congested Internet backbones

¹ Joint Comments of Wisconsin and Indiana Public Service Commissions at 5, 3.

² Comments of XCOM Technologies, Inc. at 6-15; Comments of Information Technology Association of America ("ITAA") at 3-10; Comments of AT&T at 4-12; Comments of Transwire Communications, L.L.C. at 12-18; Comments of the Commercial Internet Exchange Association ("CIX") at 22-29; Comments of Cablevision Lightpath, Inc. at 7-10; Comments of Intermedia Communications Inc. at 26-28; Comments of Focal Communications Corporation, Hyperion Telecommunications, Inc., KMC Telecom Inc., and McLeodUSA Incorporated at 4-11; Comments of ACSI at 5-18; Comments of Competitive Telecommunications Association ("CompTel") at 9-17; Comments of LCI International Telecom Corp. at 18-20; Comments of Sprint at 4-5; Comments of Teleport Communications Group Inc. at 3-13; Comments of Excel Telecommunications, Inc. at 3-10; Comments of Electric Lightwave, Inc. at 1-5, 25-34.

and failure of the free market.³ Many parties also focus on the many sound policy reasons for rejecting the petitions, including the critical need to retain and enforce, rather than discard, regulatory policies that seek to foster local competition.⁴ Finally, several CLECs cut through the RBOCs' pro-competitive rhetoric to provide compelling accounts of the various anticompetitive misdeeds perpetrated upon them by the RBOCs.⁵

In WorldCom's estimation, the RBOCs and their few supporters do not raise any arguments that are not refuted forcefully and convincingly by WorldCom and many other parties. Surprisingly, the RBOC-affiliated commenters provide no affidavits, studies, reports, or other factual presentations to lend much-needed support to the petitions. Nor do the RBOCs' attorneys offer another round of novel legal theories or policy interpretations; instead, the comments rely on a repetition of the dubious viewpoints articulated in the original petitions. Rather than reiterate its own previous analysis, or pick apart numerous misstatements of law and fact by the RBOCs, WorldCom intends for now to stand on its consolidated opposition. If, upon reviewing the reply comments filed by other parties, there is a need to address additional arguments, WorldCom will file a responsive pleading ex parte that includes all pertinent counterarguments to the RBOCs' claims. In that way, the Commission will have the benefit of reviewing a

³ Comments of XCOM Technologies, Inc. at 15-19; Comments of AT&T at 21-28; Comments of CIX at 3-11; Comments of Cablevision Lightpath at 4-7; Comments of CompTel at 3-9; Comments of Sprint at 9-16.

⁴ Comments of ITTA at 10-13; Comments of AT&T at 13-21, 28-34; Comments of Transwire at 18-23; Comments of CIX at 12-21, 29-33; Comments of Focal Communications Corporation, Hyperion Telecommunications, Inc., KMC Telecom Inc., and McLeodUSA Incorporated at 11-20; Comments of LCI at 6-9, 12-18; Comments of Sprint at 6-9.

⁵ Comments of Electric Lightwave at 5-25; Comments of ICG Telecom Group, Inc. at 4-12; Comments of Intermedia Communications at 22-26.

complete record, without unnecessary repetition.

II. CONCLUSION

The Commission should promptly dismiss the Bell Atlantic, US WEST, and Ameritech petitions because they seek "relief" that would directly violate existing law and regulations, and undermine local competition policies.

Respectfully submitted,

WORLDCOM, INC.

A handwritten signature in black ink, appearing to read "C. R. Sloan", written over a horizontal line.

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May 6, 1998

CERTIFICATE OF SERVICE

I, Cecelia Y. Johnson, hereby certify that I have this 6th day of May, 1998, sent a copy of the foregoing "Reply Comments of WorldCom, Inc." in CC Docket Nos. 98-11, 98-26, and 98-32, by hand delivery, to the following:

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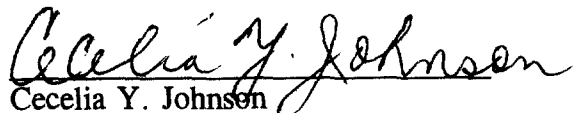
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